

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

TIMOTHY DAVIS,

Plaintiff,

v.

CITY OF COLUMBUS, et al.,

Defendants.

Case No. 2:17-cv-0823

Judge Algenon L. Marbley

Magistrate Judge Chelsey M. Vascura

NOTICE OF INTERLOCUTORY APPEAL

Notice is hereby given that Defendants City of Columbus, Matthew Baker, Levon Morefield, Anthony Johnson, Robert Reffitt, Sean Connair, Eric Everhart, Ryan Steele, and Alan Bennett hereby appeal to the United States Court of Appeals for the Sixth Circuit from the District Court's decisions at trial and in its Opinion and Order dated September 19, 2022. *See* Opinion and Order (Doc. 153 PageID#7177-7204). Defendants Matthew Baker, Levon Morefield, Anthony Johnson, Robert Reffitt, Sean Connair, Eric Everhart, Ryan Steele, and Alan Bennett appeal the District Court's decisions at trial and in its Opinion and Order denying them qualified and statutory immunity on Plaintiff's: (a) Fourth Amendment excessive force claims and (b) Ohio state law assault and battery claims. Jury Trial Transcript Vol.10 (Doc. 148 PageID#7004-5; Opinion and Order (Doc. 153 PageID#7186-93). The City of Columbus joins this interlocutory appeal on the singular basis that the claims against it must fail if Defendants are entitled to qualified immunity due to the lack of an underlying constitutional deprivation. *See id.*

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, on October 14, 2022, I electronically filed the foregoing with the Clerk of this Court by using the Court's CM/ECF System. Copies will be served upon counsel of record by, and may be obtained through, the Court's CM/ECF System.

/s/ Alexandra N. Pickerill
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